

Remarks

Claims 1-6 and 8-11 are pending. Claims 1-6 and 8-11 stand rejected. Claim 1 has been amended. Importantly, the claim amendments should not be construed to be an acquiescence to any of the claim rejections. Rather, the amendments are being made solely to expedite the prosecution of the above-identified application. The Applicants expressly reserve the right to further prosecute the same or similar claims in subsequent patent applications claiming the benefit of priority to the instant application. 35 USC § 120.

Response to Claim Rejections based on 35 USC § 103(a)

Claims 1-6 and 8-11 stand rejected as being unpatentable over Brocken (US D198,591), in view of Davis (US 4,204,596). The Examiner contends that Brocken discloses a tray substantially as claimed, comprising a plurality of open-ended cavities having a plurality of ribs protruding into the cavities, which ribs extend the full length of each side, are uniform in size, evenly spaced, and longitudinally positioned along and parallel to the sides of the cavities. The Examiner further contends that Davis discloses a similar tray with holes placed in the bottom of the tray.

The Applicants respectfully assert that neither the tray disclosed by Brocken, nor the tray disclosed by Davis, are open-ended at both ends of the constituent cavities. In both cases, the Applicants respectfully assert that the bottom of a particular cavity should be characterized as more closed than open because the aperture appears to constitute less than half the area defined by bottom end of the cavity.

However, to clarify again the distinction between the disclosure of Brocken, the disclosure of Davis, and the subject-matter claimed in the instant application, the Applicants have amended claim 1 to recite “wherein said cavity is *substantially symmetrically* open-ended at both ends” (emphasis added). This amendment does not reflect a change in the scope of the invention for which protection is sought herein because the original claim language (i.e., “open-ended”) was intended to convey being open-ended at both ends. The amendment to claim 1 finds explicit support in the application as filed. For example, Figures 2 and 3 of the instant application unambiguously depict a tray with cavities that are substantially symmetrically open-

ended at both ends. Accordingly, the Applicants respectfully request the withdrawal of the rejections of claims 1-6 and 8-11 based on 35 USC § 103(a).

Fees

The Applicants believe they have provided the required fee in connection with the filing of this paper. Nevertheless, the Director is hereby authorized to charge any additional required fee to our Deposit Account, No. 06-1448 reference RCX-022.01.

Conclusion

In view of the above amendments and remarks, it is believed that the pending claims are in condition for allowance. The Applicants respectfully request reconsideration and withdrawal of the pending rejections. The Applicants thank the Examiner for careful consideration of the present case. If a telephone conversation with Applicants' Attorney would expedite prosecution of the above-identified application, the Examiner is urged to contact the undersigned.

Patent Group
FOLEY HOAG LLP
155 Seaport Boulevard
Boston, MA 02210

(617) 832-1000
(617) 832-7000 (FAX)

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Respectfully submitted,
FOLEY HOAG LLP



Dana M. Gordon, Ph.D.
Registration No. 44,719
Attorney for Applicants